



January 11, 2006

SENATE BILL No. 27

DIGEST OF SB 27 (Updated January 10, 2006 9:44 am - DI ta)

Citations Affected: IC 7.1-3; noncode.

Synopsis: Alcohol server training. Requires a person who trains: (1) alcohol servers; and (2) individuals who plan to train alcohol servers; to hold a trainer certificate issued by the alcohol and tobacco commission. Requires: (1) a certified trainer to renew a certificate every three years by filing a renewal application form, completing a refresher course, and paying a \$45 fee; (2) certain retailer permittees, dealer permittees, or management representatives of the retailer or dealer permittees to be trained not later than 120 days after the date the permittee receives a permit; and (3) certain retailer permittees and dealer permittees to ensure that each alcohol server is trained not later than 120 days from the date the alcohol server begins employment. (Current law requires a retail permittee, dealer permittee, or management representative to be trained not later than 90 days after the date the permittee receives the permit and an alcohol server be trained not later than 90 days after the date of employment.) Requires: (1) the commission to notify retailer and dealer permittees of the certification requirements at the time the permittees renew the retailer or dealer permits; (2) the commission to approve and establish training programs; and (3) training programs to provide a server certificate to individuals who successfully complete the program. Allows the commission to: (1) observe training at any time; and (2) adopt rules to carry out the training and certification requirements. Changes the deadline by which permittees and alcohol servers must be trained from January 31, 2008, to January 1, 2009. Repeals a provision concerning certain certification requirements.

Effective: July 1, 2006.

Long

January 9, 2006, read first time and referred to Committee on Rules and Legislative Procedure.

January 10, 2006, amended; reassigned to Committee on Homeland Security, Utilities, and Public Policy.

SB 27—LS 6066/DI 13+



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January 11, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 27

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-1.5-1.2 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: **Sec. 1.2. As used in this chapter,**
4 **"applicant" means a person who applies for a trainer certificate**
5 **under this chapter to train:**

6 (1) **alcohol servers; and**
7 (2) **individuals who plan to become certified trainers;**
8 **on the selling, serving, and consumption of alcoholic beverages.**

9 SECTION 2. IC 7.1-3-1.5-1.3 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2006]: **Sec. 1.3. As used in this chapter,**
12 **"certified trainer" means a person who is issued a trainer**
13 **certificate under section 4.6 of this chapter.**

14 SECTION 3. IC 7.1-3-1.5-4.2 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. As used in this chapter,**
17 **"server certificate" means a certificate issued by the commission**

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under this chapter to an individual who completes a program established or approved under section 6 of this chapter.

SECTION 4. IC 7.1-3-1.5-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.4. As used in this chapter, "trainer certificate" means a certificate issued by the commission under this chapter to an applicant who meets the requirements under section 4.6 of this chapter.**

SECTION 5. IC 7.1-3-1.5-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.6. The commission shall issue a trainer certificate to an applicant who:**

- (1) files the application and pays the fees established by the commission under section 5 of this chapter;**
- (2) completes a program established or approved under section 6 of this chapter; and**
- (3) meets the requirements under this chapter and rules adopted by the commission.**

SECTION 6. IC 7.1-3-1.5-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.8. A certified trainer may train:**

- (1) alcohol servers; and**
- (2) individuals who plan to become certified trainers; on the selling, serving, and consumption of alcohol beverages.**

SECTION 7. IC 7.1-3-1.5-5, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. ~~(a)~~ The commission shall adopt rules under IC 4-22-2 to establish:**

- (1) an application form;**
- (2) standards; and**
- (3) fees;**

for certification of a program under this chapter.

~~(b) The commission shall adopt rules under IC 4-22-2 to otherwise carry out this chapter:~~

SECTION 8. IC 7.1-3-1.5-6, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. The commission shall require the following standards for certification of a program under this chapter: (a) The commission shall:**

- (1) establish a program; and**
- (2) approve a program established by a third party that meets the requirements of this chapter;**

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1 that is designed to educate alcohol servers and individuals who
 2 plan to become certified trainers on the selling, serving, and
 3 consumption of alcoholic beverages.

4 (b) A program established or approved under subsection (a)
 5 must include the following:

6 (1) Training by an instructor who:

7 (A) has knowledge in the subject areas described in this
 8 section; and

9 (B) is a certified trainer under this chapter.

10 (2) Information on specific subject areas as required by the
 11 commission.

12 (3) A minimum of at least two (2) hours of training to complete
 13 the program.

14 (4) Information on:

15 (A) state laws and rules regarding the sale and service of
 16 alcoholic beverages;

17 (B) the classification of alcohol as a depressant and the effect
 18 of alcohol on the human body, particularly on the ability to
 19 drive a motor vehicle;

20 (C) the effects of alcohol:

21 (i) when taken with commonly used prescription and
 22 nonprescription drugs; and

23 (ii) on human behavior;

24 (D) methods of:

25 (i) identifying and refusing to serve or sell alcoholic
 26 beverages to an underage or intoxicated person; and

27 (ii) handling situations involving an underage or intoxicated
 28 person;

29 (E) methods for properly and effectively:

30 (i) checking the identification of an individual;

31 (ii) identifying an illegal identification of an individual; and

32 (iii) handling situations involving individuals who have
 33 provided illegal identification;

34 (F) security and law enforcement issues regarding the sale and
 35 service of alcoholic beverages; and

36 (G) recognizing certain behavior to assess the amount of
 37 alcohol an individual:

38 (i) has consumed; and

39 (ii) may safely consume.

40 (5) One (1) or both of the following:

41 (A) A written test.

42 (B) An oral test.

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SECTION 9. IC 7.1-3-1.5-8, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A **trainer** certificate issued under this chapter expires at a time and date designated by the commission: **three (3) years after the date the trainer certificate was issued.**

(b) The commission shall adopt rules to establish:

(1) an application form; and

(2) fees;

for the renewal of a certificate under this chapter.

(c) ~~(b)~~ The commission shall send written notice of the upcoming expiration of a certificate to each certificate holder at least sixty (60) days before the expiration of the certificate. The notice must inform the certificate holder of the need to renew and the requirement of payment of the renewal fee. If notice of expiration is not sent by the commission, the certificate holder is not subject to a sanction for failure to renew if, once notice is received from the commission, the certificate is renewed within forty-five (45) days after the receipt of the notice: **notify a:**

(1) **dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and**

(2) **retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;**

of the renewal requirements for a trainer certificate under this chapter.

SECTION 10. IC 7.1-3-1.5-9, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. To renew a **trainer** certificate under this chapter, the ~~certificate holder~~ **certified trainer** must:

(1) file the renewal application established and provided by the commission; ~~and~~

(2) pay ~~the a~~ renewal fee in the amount established by the commission; **of forty-five dollars (\$45); and**

(3) **complete a refresher course established or approved by the commission;**

not later than the expiration date of the **trainer** certificate.

SECTION 11. IC 7.1-3-1.5-12, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. A person who ~~operates a program~~ **trains:**

(1) **alcohol servers; or**

(2) **individuals who plan to become certified trainers;**

without a **trainer** certificate under this chapter commits a Class B infraction.

SECTION 12. IC 7.1-3-1.5-13, AS ADDED BY P.L.161-2005,

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SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

(1) ensure that each alcohol server completes a program ~~certified under this established or approved under section 6 of this~~ chapter not later than ~~ninety (90)~~ **one hundred twenty (120)** days after the date the alcohol server begins employment at the establishment;

(2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the program subject areas described in section 6 of this chapter ~~as required by the commission; every three (3) years after the date the alcohol server completes a program;~~ and

(3) maintain training verification records of each alcohol server.

(b) A retailer permittee, ~~or a dealer permittee, or a management representative of a retailer or dealer permittee~~ must complete a program ~~certified under established or approved under section 6 of~~ this chapter:

(1) not later than ~~ninety (90)~~ **one hundred twenty (120)** days after the date:

~~(1) (A)~~ **(A)** the dealer permittee is issued a permit described in section 2 of this chapter; or

~~(2) (B)~~ **(B)** the retailer permittee is issued a permit described in section 4 of this chapter; **and**

(2) every five (5) years after the date the retailer permittee, dealer permittee, or management representative of the retailer or dealer permittee completes a program.

(c) The commission shall notify a:

(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and

(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;

of the requirements under subsections (a) and (b).

~~(e) (d)~~ **(d)** The commission may suspend or revoke a retailer permittee's or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

SECTION 13. IC 7.1-3-1.5-14 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. A program established or approved under section 6 of this chapter must provide a server**

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certificate to an individual who successfully completes the program.

SECTION 14. IC 7.1-3-1.5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15. The commission may attend and observe training by a certified trainer under a program established or approved under section 6 of this chapter at any time.**

SECTION 15. IC 7.1-3-1.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. The commission shall adopt rules under IC 4-22-2 to carry out this chapter.**

SECTION 16. IC 7.1-3-1.5-7 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 17. P.L.161-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 4. (a) **As used in this SECTION, "alcohol server" has the meaning set forth in IC 7.1-3-1.5-1.**

(b) **As used in this SECTION, "certified trainer" has the meaning set forth in IC 7.1-3-1.5-1.3, as added by this act.**

(a) (c) **As used in this SECTION, "commission" refers to the alcohol and tobacco commission established by IC 7.1-2-1-1.**

(b) (d) **As used in this SECTION, "dealer permittee" has the meaning set forth in IC 7.1-3-1.5-2, as added by this act.**

(c) **As used in this SECTION, "program" has the meaning set forth in IC 7.1-3-1.5-3, as added by this act.**

(d) (e) **As used in this SECTION, "retailer permittee" has the meaning set forth in IC 7.1-3-1.5-4, as added by this act.**

(f) **As used in this SECTION, "trainer certificate" has the meaning set forth in IC 7.1-3-1.5-4.4, as added by this act.**

(e) (g) **Notwithstanding IC 7.1-3-1.5-12, as added by this act, a person who is operating a program before July 1, 2005, training alcohol servers or individuals who plan to become certified trainers before July 1, 2006, may continue to operate the program train alcohol servers or individuals who plan to become certified trainers without a certificate issued under IC 7.1-3-1.5, as added by this act, pending the processing of an application for a trainer certificate under this SECTION.**

(f) (h) **The person described in subsection (e) (g) may submit to the commission an application for a trainer certificate to operate a program under IC 7.1-3-1.5, as added by this act. To be entitled to continue operating training without a trainer certificate under subsection (e) (g), the person must submit the application before**

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March 1, ~~2006~~; **2007**.

~~(g)~~ **(i)** The person described in subsection ~~(e)~~ **(g)** shall cease ~~operating a program training alcohol servers and individuals who plan to become certified trainers~~ if:

(1) the person fails to submit an application within the time allowed under subsection ~~(f)~~; **(h)**; or

(2) the commission notifies the person that the commission has rejected the application submitted by the person under this SECTION.

~~(h)~~ **(j)** Notwithstanding IC 7.1-3-1.5-13: ~~as added by this act:~~

(1) a retailer permittee or dealer permittee who is operating an establishment where alcoholic beverages are served or sold must ensure that each alcohol server completes a program ~~certified established or approved~~ under ~~IC 7.1-3-1.5~~; **IC 7.1-3-1.5-6**, as ~~added~~ **amended** by this act, not later than:

(A) January 1, ~~2008~~; **2009**; or

(B) ~~ninety (90)~~ **one hundred twenty (120)** days after the date the alcohol server begins employment at the establishment; whichever is later; and

(2) a retailer permittee, ~~or dealer permittee~~, **or a management representative of a retailer or dealer permittee** must complete a program ~~certified established or approved~~ under ~~IC 7.1-3-1.5~~; **IC 7.1-3-1.5-6**, as ~~added~~ **amended** by this act, not later than:

(A) January 1, ~~2008~~; **2009**; or

(B) ~~ninety (90)~~ **one hundred twenty (120)** days after the date the retailer permittee or dealer permittee is issued a retailer permit or dealer permit under IC 7.1-1.5-12; whichever is later.

~~(i)~~ **(k)** This SECTION expires December 31, ~~2009~~; **2010**.

SECTION 18. [EFFECTIVE JULY 1, 2006] **(a) As used in this SECTION, "alcohol server" has the meaning set forth in IC 7.1-3-1.5-1.**

(b) As used in this SECTION, "certified trainer" has the meaning set forth in IC 7.1-3-1.5-1.3, as added by this act.

(c) Notwithstanding IC 7.1-3-1.5, as amended by this act, a person may be certified by the alcohol and tobacco commission to train alcohol servers and individual who plan to become certified trainers without meeting the requirements under IC 7.1-3-1.5, as amended by this act, before July 1, 2007.

(d) This SECTION expires January 1, 2008.

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SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 27 and that Senator Long be substituted therefor.

GARTON

 COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 27, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

(Reference is to SB 27 as introduced.)

GARTON, Chairperson

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